

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT  
U.S. COURTHOUSE, ROOM 5523  
WASHINGTON, D.C. 20001



**NO. 15-3015**

Rodney Class  
Grantor-Creator, Petitioner

Vs

UNITED STATES OF AMERICA  
TRUSTEE, APPELLEE

**Certificate of Notice of Judicial And Administrative Procedure  
Time Limit Violation  
To The Circuit Court Of Appeals Re: Rule 4,  
Appeal as of Right—When Taken**

Comes Now, Rodney D. Class (herein after "Grantor") with this Certificate of Judicial And Administrative Notice to The Circuit Court Of Appeals Re: Rule 4, Appeal as of Right—When Taken. This Grantor will point to this Circuit Court's Rule 4 (b), Appeal in a Criminal Case. (1) Time for Filing a Notice of Appeal.

This Grantor points out below this Circuit Court's Rulebook on when to file for a timely Appeal as found in Rule 4.

1. **Rule 4 (A)** In a criminal case, a defendant's notice of appeal must be filed in the district court within 14 days after the later of: (i) the entry of either the judgment or the order being appealed;
2. **Rule 4 (3)** Effect of a Motion on a Notice of Appeal.

(A) If a defendant timely makes any of the following motions under the Federal Rules of Criminal Procedure, the notice of appeal from a judgment of conviction must be filed within 14 days after the entry of the order disposing of the last such

remaining motion, or within 14 days after the entry of the judgment of conviction, whichever period ends later. This provision applies to a timely motion.

3. **Rule 4 (3)** When a defendant in a criminal case files a notice of appeal under this Rule 4(c), the 30-day period for the government to file its notice of appeal runs from the entry of the judgment or order appealed from or from the district court's docketing of the defendant's notice of appeal, whichever is later.

4. Below is the verbiage from the docket of the District Court showing a timely Notice of Appeal and Stay of Judgment by Rodney Dale Class.

**02/13/2015 188 NOTICE OF APPEAL by RODNEY CLASS** re Sentence imposed on 2/9/15 and docketed 2/9/15. "Let this be filed as a Notice of Appeal," signed by Chief Judge Richard W. Roberts on 2/11/15. Fee Status: No Fee Paid. (Pro Se Defendant with Stand-By Counsel, Federal Public Defender A.J. Kramer.) Parties have been notified. (mlp) (Entered: 02/13/2015)

Further, as shown (above) the United States District Court for the District of Columbia has the Grantor's Notice of Appeal and request for Stay of Judgment and (below) this Circuit Court of Appeals has the Grantor's Appeals Brief. Both filings are within the respective Court's Rules Book time parameters and on file in their respective PACER Docket sections.

5. This Grantor's Appeals Brief was filed within 30 days of the Grantor's Notice of Appeal (Rec'd on 2.9.15 and Docketed on 2.13.15) as required by your Circuit Court of Appeals Rule Book.
6. **Rule 5.** Appeal by Permission (a) Petition for Permission to Appeal.

(1) To request permission to appeal when an appeal is within the court of appeals' discretion, a party must file a petition for permission to appeal. The petition must be filed with the circuit clerk with proof of service on all other parties to the district-court action.

- (2) The petition must be filed within the time specified by the statute or rule authorizing the appeal or, if no such time is specified, within the time provided by Rule 4(a) for filing a notice of appeal.
7. (2) A party may file an answer in opposition or a cross-petition within 10 days after the petition is served.
8. **Rule 28.1(f) Time to Serve and File a Brief.** Briefs must be served and filed as follows:
- (1) the appellant's principal brief, within 40 days after the record is filed;
  - (2) the appellee's principal and response brief, within 30 days after the appellant's principal brief is served;
  - (3) the appellant's response and reply brief, within 30 days after the appellee's principal and response brief is served; and
  - (4) the appellee's reply brief, within 14 days after the appellant's response and reply brief is served, but at least 7 days before argument unless the court, for good cause, allows a later filing.
9. **Rule 29 (e) Time for Filing. An amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the principal brief of the party being supported is filed.** An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's or petitioner's principal brief is filed. A court may grant leave for later filing, specifying the time within which an opposing party may answer.
10. **Rule 31. Serving and Filing Briefs (a) Time to Serve and File a Brief.**
- (1) The appellant must serve and file a brief within 40 days after the record is filed. The appellee must serve and file a brief within 30 days after the appellant's brief is served. The appellant may serve and file a reply brief within 14 days after service of the appellee's brief but a reply brief must be filed at least 7 days before



argument, unless the court, for good cause, allows a later filing.

### CONCLUSION


This Grantor filed a Notice of Appeal timely and has filed his Appeal Brief within the time required by the Circuit Court of Appeals Rules. However, the United States attorney has failed to file a response or answer to the Grantor's Appeals Brief within the allotted time as stated in the Rules of this court after being served by Certified Mail.

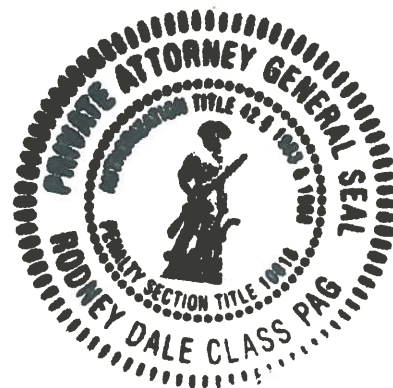
This Grantor has placed a Notice of Non-Compliance, with the Rules of the Circuit Court of Appeals, with the Circuit Court of Appeals regarding the United States Attorney's non-compliance.

This Grantor wishes to stay in compliance with the two court orders issued on Oct 1, 2015, one being the Amicus Curiae notice and the other being the "revised" "briefing schedule," BUT, pursuant to the Circuit Court of Appeals Rule Book, both the Amicus Curiae attorney's and the Government have missed their deadlines of timely filing AND if the Grantor complies with the Oct 1, 2015 Orders The Grantor would allow the Government to bypass the Court Rules and the Grantor would tacitly acquiesce to the Government's DEFAULT ! Obviously, the Grantor Does NOT wish to do that !

Is this Grantor to "assume" that the D.C. Circuit Court is allowing the U.S. Attorney and the Amicus Curiae Attorney to disregard the Circuit Rule of timely filing, thereby creating new case law that untimely filing will be accepted standard of practice?

Please advise the Grantor if your Rule Book is incorrect or has been incorrectly interpreted.

  
Rodney D. Class  
Private Attorney General  
P.O. Box 435, High Shoals, NC 28077



United States District Court  
For the District of Columbia  
333 Constitution Avenue N.W.  
Washington D.C 20001

Let this be filed as a  
Notice of Appeal.  
Muhlestein, Ch. V SDJ

UNITED STATES OF AMERICA

CASE # 1:13 cr 253 RWR 2-11-15

United States Appeals Court # \_\_\_\_\_

Vs

**FILED**

RODNEY CLASS

**FEB 13 2015**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

STAY OF JUDGMENT AND NOTICE OF APPEAL  
For the living entity known as Rodney Class  
Which requires equity relief

NOW, comes this living entity known as Rodney Class with this STAY OF  
JUDGMENT AND NOTICE OF APPEAL for the living entity known, as Rodney Class  
Which requires equity relief from case # 1:13 cr 253 RWR. To be placed before the  
United States Court of Appeals for the District of Columbia.

This filing is being placed before the clerk of court on this date of Feb. 9<sup>th</sup>  
2015 to be entered into the record for a Stay of Judgment And Notice of Appeal for  
the living entity Rodney Class.

**Certificate of Notice**

The artificial entity known as, THE UNITED STATES OF AMERICA is being  
placed on Notice of a Stay of Judgment and Notice of Appeal of case # 1:13 cr 253

RWR on this Feb 9<sup>th</sup> 2015. By this living entity know as Rodney Class.

**RECEIVED**

**FEB - 9 2015**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**RECEIVED**

**FEB 13 2015**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia



01/28/2015		LEAVE TO FILE DENIED - Notice of General Appearance by the Defendant to the Court by RODNEY CLASS. This document is unavailable as the Court denied its filing. "Leave to file DENIED," signed by Chief Judge Richard W. Roberts on 1/26/15. (A copy of the front page of the document was mailed to the defendant at the address of record on 1/29/15.) (mlp) Modified on 1/29/2015 (mlp) (Entered: 01/29/2015)
01/30/2015	<u>179</u>	SENTENCING MEMORANDUM by USA as to RODNEY CLASS (Pearlman, Jeffrey) (Entered: 01/30/2015)
02/02/2015	<u>181</u>	Recommendation of PSI Report as to RODNEY CLASS. Not for public disclosure per Judicial Conference Policy.(Stevens-Panzer, Deborah) (Entered: 02/02/2015)
02/04/2015	<u>182</u>	LEAVE TO FILE DENIED - "Certificate bill in equity and notice for equitable relief for class, rodney dale real party of interest" by RODNEY CLASS. This document is unavailable as the Court denied its filing. "Leave to file DENIED," signed by Chief Judge Richard W. Roberts on 1/30/15. (Copy of front page of document mailed, on 2/6/15, to the defendant at the address of record.) (mlp) (Entered: 02/06/2015)
02/04/2015	<u>183</u>	LEAVE TO FILE DENIED - "Certificate bill in equity and notice for equitable relief for class, rodney dale real party of interest" by RODNEY CLASS. This document is unavailable as the Court denied its filing. "Leave to file DENIED," signed by Chief Judge Richard W. Roberts on 2/2/15. (Copy of the front page of the document mailed, on 2/6/15, to the defendant at the address of record.) (mlp) (Entered: 02/06/2015)
02/09/2015		Minute Entry; for proceedings held before Chief Judge Richard W. Roberts: Sentencing held on 2/9/2015 as to RODNEY CLASS. Count 1s: Defendant sentenced to Time Served of (24) Days incarceration, followed by a Supervised Release Period of Twelve (12) Months, a Special Assessment of \$100.00 and a fine of \$250.00 imposed. Bond Status of Defendant: Supervised Release; Court Reporter: William Zaremba Defense Attorney: PRO SE, A J Kramer-standby counsel; US Attorney: Jeffrey Pearlman; Prob Officer: Kathie McGill; (hs) Modified on 2/10/2015 (hs). (Entered: 02/09/2015)
02/12/2015	<u>187</u>	LEAVE TO FILE DENIED - "Objection to Jan. 26, 2015 Order" by RODNEY CLASS. This document is unavailable as the Court denied its filing. "Leave to file DENIED," signed by Chief Judge Richard W. Roberts on 2/9/15. (Copy of front page of this document mailed to the defendant on 2/12/15 to the address on record.) (mlp) (Entered: 02/12/2015)
02/13/2015	<u>188</u>	NOTICE OF APPEAL by RODNEY CLASS re Sentence imposed on 2/9/15 and docketed 2/9/15. "Let this be filed as a Notice of Appeal," signed by Chief Judge Richard W. Roberts on 2/11/15. Fee Status: No Fee Paid. (Pro Se Defendant with Stand-By Counsel, Federal Public Defender A.J. Kramer.) Parties have been notified. (mlp) (Entered: 02/13/2015)
02/13/2015	<u>189</u>	Transmission of the <u>188</u> Notice of Appeal, Sentencing Minute Entry Appealed, and Docket Sheet to US Court of Appeals as to RODNEY CLASS. The Fee remains to be paid and another notice will be transmitted when the motion to proceed In Forma Pauperis has been filed. In Forma Pauperis Application mailed to the defendant this date at his address of record. (mlp) (Entered: 02/13/2015)

USCA Case #15-3015

Document #1581203

Filed: 10/16/2015

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02/23/2015		USCA Case Number as to RODNEY CLASS: 15-3015, for <u>188</u> Notice of Appeal - Final Judgment, filed by RODNEY CLASS. (mlp) (Entered: 02/23/2015)
03/04/2015	<u>190</u>	JUDGMENT as to RODNEY CLASS. Statement of Reasons Not Included. Signed by Chief Judge Richard W. Roberts on 3/3/15. (mlp) (Entered: 03/09/2015)
03/04/2015	<u>191</u>	STATEMENT OF REASONS as to RODNEY CLASS. re <u>190</u> Judgment. Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court. Signed by Chief Judge Richard W. Roberts on 3/3/15. (mlp) (Entered: 03/09/2015)
03/09/2015	<u>192</u>	Transmitted Supplemental Record on Appeal, consisting of a copy of the Judgment and Commitment and Docket Sheet, to USCA as to RODNEY CLASS re <u>190</u> Judgment. USCA Case Number 15-3015. (mlp) (Entered: 03/09/2015)

PACER Service Center			
Transaction Receipt			
10/13/2015 17:01:48			
PACER Login:	ai1033:3094277:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:13-cr-00253-RWR
Billable Pages:	20	Cost:	2.00

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 15-3015****September Term, 2015****1:13-cr-00253-RWR-1****Filed On: October 2, 2015**

United States of America,

Appellee

v.

Rodney Class,

Appellant

**ORDER**

It is **ORDERED**, on the court's own motion, that the following briefing schedule will apply in this case:

Appellant's Brief	November 24, 2015
Appendix	November 24, 2015
Court-Appointed Amicus Curiae's Brief	November 24, 2015
Appellee's Brief	December 24, 2015
Appellant's Reply Brief	January 7, 2016
Court-Appointed Amicus Curiae's Reply Brief	January 7, 2016

All issues and arguments must be raised by appellant in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief. A brief, or a notice stating that appellant will join in the brief of amicus curiae, must be filed by appellant. Failure by appellant to comply with this order will result in dismissal of the appeal for lack of prosecution. See D.C. Cir. Rule 38.

To enhance the clarity of their briefs, the parties are cautioned to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Procedures 41 (2015); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).



**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 15-3015**

**September Term, 2015**

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail could delay the processing of the brief. Additionally, parties are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover, or state that the case is being submitted without oral argument. See D.C. Cir. Rule 28(a)(8).

The Clerk is directed to send a copy of this order to appellant by certified mail, return receipt requested and by first class mail.

**FOR THE COURT:**


Mark J. Langer, Clerk

BY: /s/

Lynda M. Flippin  
Deputy Clerk

**Certificate of Notice**

Comes Now, Rodney Dale Class as a Private Attorney General on behalf of  
RODNEY CLASS with this document to be entered into the Court files by the Clerk of  
Court on this 14<sup>th</sup> of October in the year of our Lord 2015 A.D.

  
Rodney D. Class  
Private Attorney General  
P.O. Box 435, High Shoals, NC 28077

CC

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